THE BOMBAY COTTON (STATISTICS) ACT, 1946.

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BOMBAY ACT No. XXVII OF 1946.[1]

[THE BOMBAY COTTON (STATISTICS) ACT, 1946.]

[*18th November 1946*]

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to facilitate the collection of statistics of stocks of Indian raw cotton in the Province of Bombay.

WHEREAS it is expedient to facilitate the collection of statistics of stocks of Indian raw cotton in the Province; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Cotton (Statistics) Act, 1946.

(*2*) It extends to the whole of the [2][State].

(*3*) It shall come into force on such date as the [3][State] Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "cotton" means Indian raw cotton (including seed-cotton, lint and fly);

(*b*) "Director" means the Director of Agriculture, [2][State] of Bombay;

(*c*) "owner" means the owner of a cotton ginning factory or a cotton pressing factory;

(*d*) "trader" means a person other than an owner, carrying on the business of buying or sellling cotton for the purposes of gain or profit and includes—

(*i*) a manufacturer, or

(*ii*) an importer,

who carries on such business,

(*iii*) a broker or commission agent who contracts for the sale or purchase of cotton for others and stocks cotton on their behalf;

(*e*) "year" means a year commencing on the 1st day of September;

(*f*) the expressions "cotton ginning factory" and "cotton pressing factory" have the meanings assigned to them by the Cotton Ginning and Pressing Factories Act, 1925.

XII 1925.

Delivery of yearly returns of cotton.

3. (*1*) Every trader and every owner shall on or before 15th September each year submit to the Director, through such officer as the [3][State] Government may by notification in the *Official Gazette* from time to time specifiy, a return in the prescribed form of the quantity of cotton in his possession on the last day of the previous year:

Provided that the [3][State] Government may, in any year by notification in the *Official Gazette*, fix any later date for the submission of returns.

(*2*) Every return submitted under sub-section (*1*) shall be signed by the person submitting it.

Right of access, inspection and search.

4. The Director and any person authorisedby him in writing in this behalf shall have access to every relevant document, book of account or other record in the possession of a trader or owner and may at any reasonable time with or without notice to the trader or owner, as the case may be, examine and take copies of, or extracts from, the document, book of account or record for the purpose of testing the accuracy of any return made under section 3. The Director and person so

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 67; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the word "Provincial", *ibid.*

authorised may ask any question and make any enquiry necessary for obtaining any information required for the aforesaid purpose and shall also have access to any premises where he has reason to believe that cotton is stocked.

Use of returns or information.

5. The Director may use returns made under section 3 and information obtained under section 4 for—

(*a*) compiling statistics required by the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923 ; XIV of 1923.

(*b*) such purposes in respect of the matters enumerated in List II of the Seventh Schedule to the [1][Constitution] as the [2][State] Government may direct.

Restriction on publication of returns and information.

6. (*1*) No return, and no part of any return, and no information obtained for the purposes of this Act shall, without the previous consent in writing of the trader or owner concerned, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning or pressing factory or the business of a particular trader.

(*2*) Except for the purposes of a prosecution under this Act or under the Indian Penal Code, no person not connected with the checking of returns or the collection of information under this Act shall be permitted to see any return or information referred to in sub-section (*1*) XLV of 1860.

Penalties.

7. If any person—

(*a*) wilfully refuses or without lawful excuse neglects to deliver a return under section 3 , or

(*b*) wilfully delivers or causes to be delivered any such return which he knows to be false, or

(*c*) refuses to answer or wilfully gives a false answer to any question or enquiry necessary for obtaining any information for the purposes of this Act, or

(*d*) impedes the right of access to a relevant document, book of account or other record, or the right of entry conferred by section 4,

he shall for each such offence be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues ; and in respect of a false return or answer the offence shall be deemed to continue until a true return or answer has been delivered or given.

Penalty for improper disclosure of information or returns.

8. Any person connected with the checking of returns or collection of information under this Act, who, otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code, wilfully discloses any information given, or the contents of any return made, under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. XLV of 1860.

Cognisance of offences.

9. No prosecution under section 7 shall be instituted except by or with the previous sanction in writing of the Director, and no prosecution under section 8 shall be instituted except by or with the previous sanction in writing of the [2][State] Government.

Protection for acts done in good faith.

10. No suit or other legal proceedings shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

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[1] This word was substituted for the words and figures "Government of India Act, 1935" by the Adaptation of Laws Order, 1950.

[2] This word was substituted for the word "Provincial", *ibid.*

11. If the person contravening any of the provisions of this Act is a company or other body corporate, the secretary, manager or other principal officer managing the affairs of such company or body, as the case may be, shall be deemed to be guilty of such contravention. Offence by corporation.

12. The Provincial Government may by general or special order exempt any trader or class of traders from the operation of this Act. Exemptions.

13. (*1*) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) Without prejudice to the generality of the foregoing powers, rules may be made under this section—

(*a*) prescribing the form in which a return under section 3 shall be delivered, and

(*b*) regulating the exercise of the right of access to books of account, records and documents and the right of entry conferred by section 4.

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